



Board of Selectmen Meeting

Monday, April 22, 2019 7:00 PM

36 Bartlet Street, Andover, MA 01810

Selectmen's Conference Room

RECEIVED
TOWN CLERK'S OFFICE

2019 APR 18 P 12:17

TOWN OF ANDOVER, MASS

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- I. **Call to Order – 7:00 P.M.**
 - II. **Opening Ceremonies – 7:00 P.M.**
 - A. Moment of Silence/Pledge of Allegiance
 - III. **Communications/Announcements/Liaison Reports – 7:05 P.M.**
 - IV. **Citizens Petitions and Presentations – 7:10 P.M.**
 - V. **Public Hearing – 7:15 P.M.**
 - A. National Grid and Verizon New England, Inc. Petition – (5 minutes)
Board to discuss and approve a petition from National Grid and Verizon New England, Inc. to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures, along and across Central Street.
 - VI. **Regular Business of the Board**
 - A. Overview of 5G/Small Cell Wireless Technology – (30 minutes)
Board to receive overview of 5G/Small Cell Wireless Technology from Lindsay LeRoche, Director of Competitive Division, Department of Telecommunications & Cable.
 - B. Heffron Way – (20 minutes)
Board to consider and sign documents relating to land conveyances with the Greater Lawrence Technical School pertinent to the Heffron Way off River Road.
 - C. Municipal Vulnerability Preparedness Grant Program (MVP) – (5 minutes)
Board to receive overview of MVP Grant Program.
 - D. Town Government Study Committee – (10 minutes)
Board to review charge and consider voting to accept recommendation to establish Town Government Study Committee.
 - E. Annual Town Meeting Warrant Article Review – (20 minutes)
Board to consider voting to take position on the following articles:

Article 41	Parking and Hardscape Improvements
Article 49	Amend Zoning Bylaw Article VIII: Solar Energy
Article 64	Spring Grove Cemetery Transfer of Property

F. Special Town Meeting Warrant Article Review – (15 minutes)

Board to consider voting to take position on the following article:

Article 2	Automatic External Defibrillators on Town Playing Fields
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G. FY2020 Water Rates & Water Main Replacement Program – (20 minutes)

Board to vote to go into session to act as Water Commissioners to set FY 2020 Water Rates and to accept a water main replacement recommendation.

H. Town Meeting Speaking Assignments – (10 minutes)

Board to review Annual Town Meeting Speaking Assignments.

I. Town Accountant Employment Contract – (10 minutes)

Board to vote to approve and authorize the Town Manager to sign employment contract between the Town and Hayley Green.

VII. Consent Agenda

A. Appointments by the Town Manager

Board to vote that the following appointments by the Town Manager be approved:

Department	Name	Position	Rate/Term	Date of Hire
Fire	Philip Mansfield (Jameson Lockhart)	Firefighter	\$57,285.36	5/5/2019
Fire	Victoria Manning (Bruce Belbin)	Firefighter	\$57,285.36	5/5/2019
Clerk's Office	John Lugas	Poll Worker	\$9.25/hour	4/23/2019
Information Technology	Dylan Knepper	IT Seasonal Assistant	\$16.00/hour	4/22/2019
Community Services -Recreation	Jolfy Frias	Summer Program Counselor	\$11.25/hour	4/29/2019

VIII. Approval of Minutes

A. Board to approve minutes from the following meetings:

1. March 6, 2019 Triboard Meeting
2. March 11, 2019 Board of Selectmen Meeting

IX. Executive Session

A. Board to approve minutes from the following Executive Sessions:

1. March 11, 2019 Executive Session

X. Adjourn

If any member of the public wishing to attend this meeting seeks special accommodations in accordance with the Americans with Disabilities Act, please contact Toni Magras in the Town Manager's Office at 978-623-8215 or by email at tonia.magras@andoverma.us

MEETINGS ARE TELEVISED ON
COMCAST CHANNEL 22 AND VERIZON CHANNEL 45



TOWN OF ANDOVER

Town Clerk's Office

36 Bartlet Street
Andover, MA 01810
978-623-8230
townclerk@andoverma.gov

NOTICE

You are hereby notified that a Public Hearing will be held by the Andover Board of Selectmen, on Monday, April 22 in the 3rd Floor Conference Room, 36 Bartlet Street, at 7 p.m.

This hearing is on the petition of National Grid and Verizon New England, Inc. requesting permission to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Plan # 26709112- Central Street – National Grid to install (1) JO pole and removing (1) JO pole on Central St. beginning at a point approximately 315 feet SW of the centerline of the intersection of Torr St. Replacing wood pole #1235 with fiberglass pole #1235. Placing this new fiberglass pole approximately 3 feet behind the existing wood pole location.

Also, for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Location approximately as shown on the plan attached.

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Central St, Andover, MA.

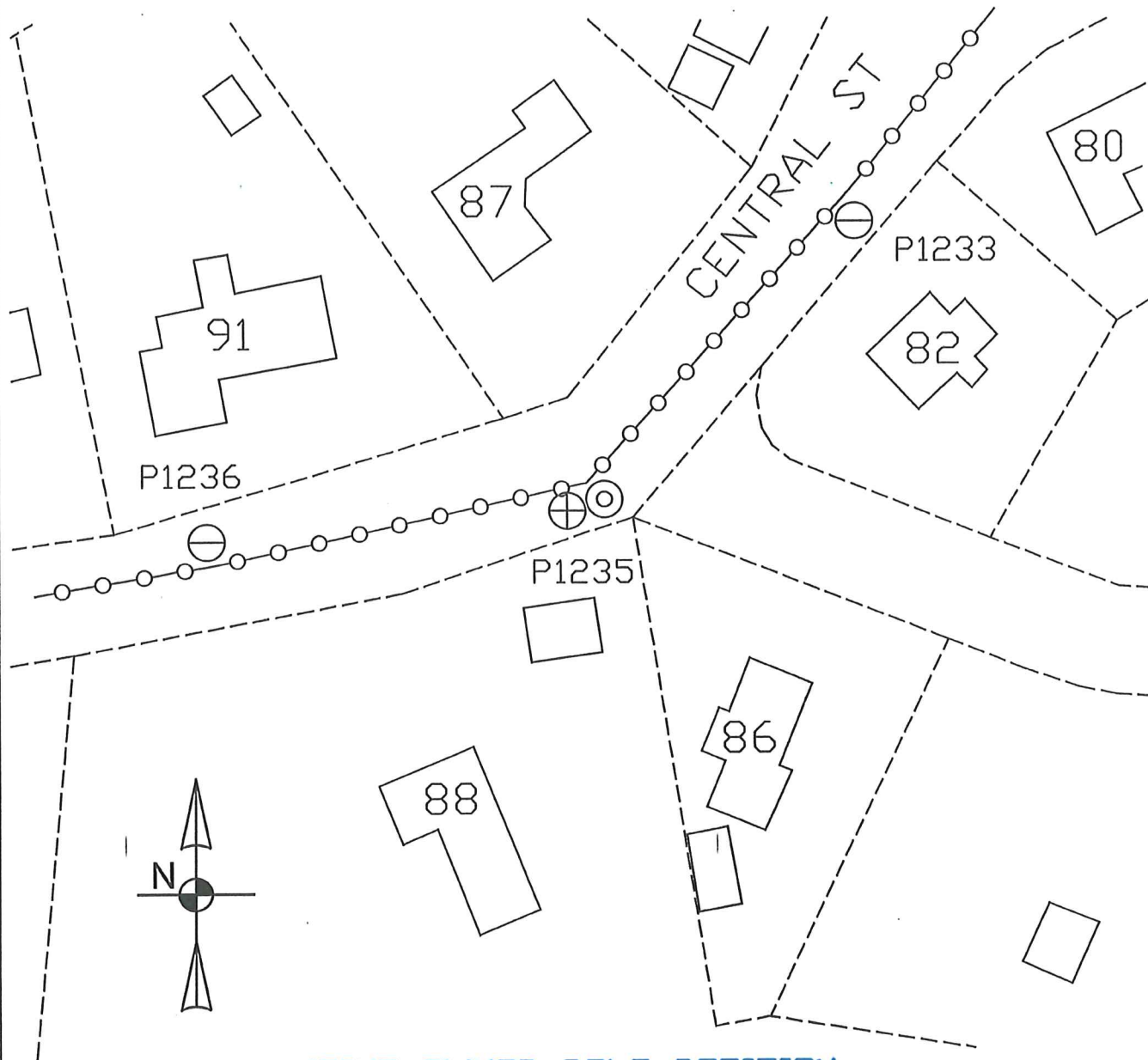
Plan(s) of the proposed work can be found in the Meeting Packet on the Board of Selectmen page on the Town of Andover website, www.andoverma.gov.

Should you have any major concerns about this proposal, please call Dave Boucher 978-725-1461 prior to the above-mentioned Selectmen's meeting date. A representative from the utility company will be available at 6:45 P.M. on the above date to answer any other questions you may have relating to the proposed work.

By order of the
Board of Selectmen

Austin P. Simko
Town Clerk

Plan No: 26709112
April 12, 2019



JOINT OWNED POLE PETITION

----- LOT LINE
 ---○--- OVERHEAD UTILITY LINES



Existing J.O. WOOD
Pole To Remain



Existing J.O. WOOD
Pole To Be Removed



Proposed J.O. FIBERGLASS
Pole To Be Installed

DISTANCES ARE APPROXIMATE

nationalgrid

And

Verizon New England, Inc.

Date: 3-6-19

Work Request
Number: 26709112

To Accompany Petition
Dated:

To The Town Of ANDOVER, MA

For FIBERGLASS
Proposed POLE 1235 Location: CENTRAL ST

TOWN OF ANDOVER, MASSACHUSETTS

Christopher M. Cronin
Director



TELEPHONE
(978) 623-8700

FAX
(978) 623-8799

DEPARTMENT OF PUBLIC WORKS

WATER TREATMENT PLANT
397 LOWELL STREET 01810 -4416

TO: Austin Simko, Town Clerk

FROM: Christopher Cronin, Department of Public Works Director *CMC*

DATE: April 8, 2019

SUBJECT: National Grid and Verizon New England

The petition by National Grid and Verizon New England for the purposes of locating poles, wires, and fixtures, including the necessary sustaining and protecting fixtures along Central Street is acceptable as shown on the petition listed below:

Location
Central Street

Petition #
26709112

Prior to construction, a street opening permit must be obtained from the Department of Public Works.

CMC/ahm

cc: Arthur Martineau, Acting Town Engineer
Scott Kandrut, Civil Engineer



TOWN OF ANDOVER

Town Clerk's Office

36 Bartlet Street
Andover, MA 01810
978-623-8255
townclerk@andoverma.gov

MEMORANDUM

TO: Art Martineau
Town Engineer

FROM: Jamie Doherty, Town Clerk's Office

RE: Petition Request

DATE: March 29, 2019

DATE OF SELECTMEN'S MEETING: April 22, 2019

PETITION#: 26709112

PETITIONER: National Grid and Verizon

LOCATION: Central Street

Please return to the Town Clerk's Office for mailing by Wednesday, April 10, 2019 (if possible).

Thank you!

4/8/19 OK AGM

this is for a fiberglass pole installation.
Chris should be made aware of this.
I have previously discussed it with him

- Art

nationalgrid

RECEIVED
TOWN CLERK'S OFFICE

2019 MAR 20 P 1:29

TOWN OF ANDOVER, MASS

March 18, 2019

Board of Selectmen of Andover, Massachusetts

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID and VERIZON, covering joint NATIONAL GRID-VERIZON pole location(s)

If you have any questions regarding this permit, please contact:

Dave Boucher 978-725-1461

Please notify National Grid's Lisa Ayres of the hearing date / time.

If this petition meets with your approval, please return an executed copy to each of the above-named Companies.

National Grid Contact: Lisa Ayres, 1101 Turnpike Street; North Andover, MA 01845
978-725-1418

Very truly yours,

Dave Johnson/lla

Dave Johnson
Supervisor, Distribution Design

Enclosures

Questions contact Dave Boucher 978-725-1461

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

North Andover, Massachusetts

To the Board of Selectmen
Of Andover, Massachusetts

NATIONAL GRID and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Central St. - National Grid to install (1) JO pole and removing (1) JO pole on Central St. beginning at a point approximately 315 feet SW of the centerline of the intersection of Torr St. Replacing wood pole # 1235 with fiberglass pole # 1235. Placing this new fiberglass pole approximately 3 feet behind existing wood pole location.

Location approximately as shown on plan attached.

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked - Central St. - Andover, Massachusetts

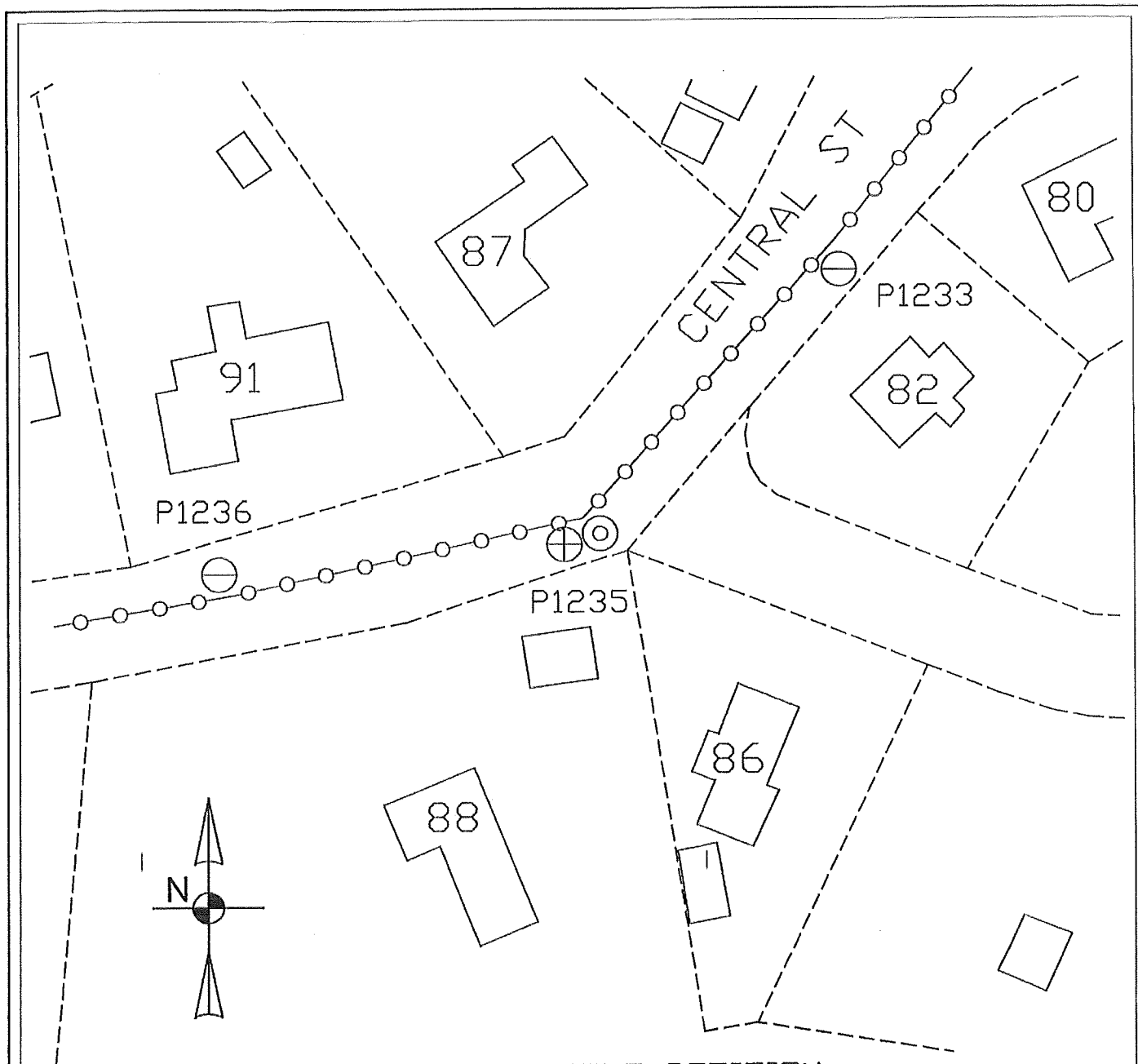
26709112 March 7, 2019

Also, for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

NATIONAL GRID
BY Dave Johnson
Engineering Department

VERIZON NEW ENGLAND, INC.
BY Steve Gaudin
Manager / Right of Way



JOINT OWNED POLE PETITION

--- LOT LINE
 ---○--- OVERHEAD UTILITY LINES



Existing J.O. WOOD
Pole To Remain



Existing J.O. WOOD
Pole To Be Removed



Proposed J.O. FIBERGLASS
Pole To Be Installed

DISTANCES ARE APPROXIMATE

nationalgrid
 And
 Verizon New England, Inc.

Date: 3-6-19

Work Request
Number: 26709112

To Accompany Petition
Dated:

To The Town Of ANDOVER, MA

For FIBERGLASS
Proposed POLE 1235 Location: CENTRAL ST

Town of Andover Policy
Applications for Small Cell Wireless Installations

The Town of Andover ("Town") by and through its Board of Selectmen hereby adopts this policy ("Policy") concerning Applications for Small Cell Wireless installations within the public right of way of the Town or located on Town- owned property.

1. Application Process.

- a. Applications shall be submitted to the Board of Selectmen through the Office of the Town Manager accompanied by the application fee of \$500 per application, payable to the Town of Andover. The \$500 fee will cover up to 5 locations. Each application for more than 5 installations is subject to a separate fee of \$100 per installation.
- b. Ten (10) hard copies and 1 (one) electronic copy of the application must be submitted. Applications may be hand-delivered during normal Town Hall office hours or mailed. If mailed, the date of receipt shall be the date from which the time standards are measured.
- c. The applicant must also pay for and publish and mail legal notices of the public hearing to local newspapers and abutters, as applicable. The applicant is responsible for obtaining the abutters list for each pole location within the application. The applicant must provide proof of mailing and publication to the Town Manager.
- d. No application will be accepted for review until all items listed in 2, below, have been submitted, as well as all fees and the abutters list paid for.
- e. Upon receipt, the Office of the Town Manager shall date and time stamp the Application as received.
- f. The Town Engineer or his designee shall make a determination as to completeness of the application and notify the Applicant, in writing, within 10 days, if the application is incomplete. If the Applicant is notified that the application is incomplete, the application is deemed rejected and must be resubmitted.
- g. The Office of the Town Manager shall also circulate a copy of the application to the following departments for comment and review: Building; Engineering; Planning; Health; Police; Fire; Conservation Commission; and, any other department the Town Manager, in his or her sole discretion, determines.
- h. Written comments from the departments shall be submitted to the Office of the Town Manager within 20 days of circulation of the application.
- i. Once the application is deemed complete, and all comments have been received, the Board of Selectmen will schedule and hold a public hearing to consider the application, such that a determination may be made on any application for an installation on an existing structure within the time period required by law.

j. Any material changes to an application, as determined by the Town in its sole discretion, shall constitute a new application for the purposes of the time standards. Where a changed or new application is submitted, the prior application shall be deemed withdrawn.

k. Upon completion of the hearing, the Board of Selectmen may grant, grant with conditions, or deny the application, based on inadequate capacity of the pole or mounting structure, safety concerns, reliability concerns, or failure to meet applicable engineering or design standards.

l. Any approval granted to an applicant shall be only for the specific applicant and application. Any change in the name/carrier or sistered service provided by another carrier or small cell wireless location will require a new application and approval from the Town.

2. Content of Applications. Applications shall include the following information:

- a. Applicant's name, address, telephone number and email address.
- b. Names, addresses, telephone numbers, and email addresses of anyone acting on behalf of the Applicant with respect to the application.
- c. Detailed drawings, with wet stamp/wet signature, and descriptions of the equipment to be installed, whether mounted on poles or on the ground, or otherwise, including:
 - ii. Type of equipment
 - ii. Specifications of equipment (including but not limited to dimensions and weight of each piece of equipment and of all equipment)
 - iii. Dimension of each piece of equipment and total dimension of all equipment
 - iv. Costs of all equipment and installation
 - v. Equipment mount type and material
 - vi. Power source or sources for equipment, including necessary wires, cables and conduit
 - vii. Expected life of equipment
 - viii. Coverage area of equipment, including:
 - 1. Amount of antennas
 - 2. Antenna model
 - 3. Antenna length
 - 4. Remote radio units (RRU) count and power
 - 5. Antenna height
 - 6. Typical coverage area radius
 - ix. Call capacity of equipment, including:
 - 1. Total RRUs
 - 2. Max bandwidth per RRU
 - 3. Multiple input, multiple output (MIMO) per RRU
 - 4. Backhaul rate per RRU
 - x. Hardening, including:

1. If there is battery backup
 2. If there is generator backup
 3. If there are multiple fiber paths to switch
- xi. Frequency of equipment proposed to be installed.
- d. Photos, renderings, and elevation of equipment proposed to be installed.
- e. Detailed map with locations of the poles or other structure on which equipment is to be located, including specific pole identification number, if applicable, and the areas it will service. The data must be supplied in a format that can be uploaded as a data layer to the Town's GIS map.
- f. Detailed map showing existing and proposed small cell installations within 500 feet of the Application site.
- g. Certification by a registered professional engineer that the pole/or location will safely support the proposed equipment.
- h. Written consent from the pole, structure, or facility owner to the installation.
- i. Affidavit from a Radio Frequency Engineer outlining the network/network service requirements in Andover and how the installations address that need in Andover. Such affidavit should characterize the current level of coverage and how the desired installations will change the current level of coverage, through or with coverage maps, including current and proposed coverage, including a breakdown of "excellent" "good" and "poor" reception areas.
- j. Insurance certificate evidencing workers' compensation coverage, and comprehensive general liability coverage for the installation.
- k. Description as to why the desired location is superior to other similar locations, from a community perspective, including:
- i. Visual aspects
 - ii. Proximity to residential structures
- l. Description of efforts to co-locate the equipment on existing structures, poles, or towers which currently exist or are under construction. A good faith effort to co-locate is required and evidence of such efforts must be included within the application.
- m. An Affidavit from the applicant which certifies that it will maintain the installations in good repair and according to FCC standards, and will remove any installation not in such good repair, or not in use, within 60 days of being no longer in good repair or no longer in use.
- n. Completed cover sheet on Town form, using extra sheets as necessary to provide all information.

o. Surety bond on which the Town is obligee, in an amount equal to the cost of installation, to ensure removal of equipment.

3. Annual Re-Certification and Affidavit.

a. Each year on July 1 the party responsible for the equipment maintenance shall submit an affidavit which shall list, by location, all small cell wireless installations it maintains within the Town of Andover by location, and shall certify: (1) each such installation that remains in use; (2) that such in use installations remain covered by insurance as required by MassDOT; and (3) each such I installation which is no longer in use.

b. The party responsible for the equipment maintenance shall pay an annual re-certification fee of \$100 per installation which remains in use.

c. Any small cell wireless installation which is no longer in use shall be removed by the party responsible for its maintenance within 60 days of receipt of the annual re-certification affidavit, at that party's expense.

d. Any small cell wireless installation which is not removed within 60 days after being listed as no longer in use in the annual re-certification affidavit shall be subject to a fine of \$100/day against the party responsible for the equipment's maintenance until such installation is removed.

e. Where such annual re-certification has not been timely submitted, or equipment no longer in use has not been removed within the required 60-day period, no further applications for small cell wireless installations will be accepted by the Town until such time as the annual re-certification has been submitted and all fees and fines paid.

4. Prohibitions.

a. No small cell wireless installations shall be installed on double poles.

b. No small cell wireless installation shall be installed on poles which are not ADA compliant.

c. No small cell wireless installations shall remain within the Town right of way or on Town property which has not been certified as in use in the annual recertification affidavit.

d. No small cell wireless installation equipment shall be replaced or altered without a re-application, hearing, and approval from the Board of Selectmen unless the equipment is no longer properly functioning, and it is being replaced with the same or substantially similar equipment.

e. No application may seek approval of more than five (5) proposed facilities.

- f. No applicant or closely held applicant may file more than two (2) applications within 60 days of another.
- g. No emailed applications shall be accepted for filing.
- a. No equipment may be used that is manufactured by a company whose equipment is banned from use by any branch or department of the U.S. government.

Town of Andover Small Cell Wireless Facility

and similar structures

Design Rules and Regulations



These Rules and Regulations describe approved aesthetic and location criteria for Small Cell Wireless Facilities (SWF) in the Town of Andover. These requirements apply to both the SWF and accessory equipment, such as ground-mounted equipment.

1. BACKGROUND

Public spaces and streetscapes enhance the quality of life for our residents and visitors, and ensures that the Town has the foundation to become a more walkable and sustainable city. It also serves as the city's civic, cultural, and physical framework of the character of Andover.

To address the growing demand for wireless technology across the United States, cellular providers propose to increase the capacity of their networks by deploying small cell infrastructure (Small Cell), a new lower-powered antenna technology, to reduce data traffic load on roof mounted equipment and larger cell towers. This new technology requires infrastructure to be installed in closer proximity to the users on the ground. Small Cell infrastructure consists of antennas and related power equipment that transmits wireless signals to improve reliable data streaming. This infrastructure will provide cellular and data coverage to smaller geographic areas. New Small Cell facilities will improve the provider's ability to meet the public's current 4G (LTE) voice and data demands and the future 5th generation cellular needs for interconnected devices to operate at high speeds to access data.

Small Cell infrastructure will affect the function and aesthetics of public spaces. Cities across the nation are beginning to address the issue of balancing the need to accommodate the increased cellular demand with their community's public space character and function. To provide the necessary coverage, each cellular provider will install infrastructure to serve their individual needs; additionally, some companies serve as an infrastructure provider installing equipment that will house infrastructure for multiple cellular providers. Like other utilities, federal law allows Small Cell infrastructure equipment in the public right-of-way. Balancing the need to accommodate increasing cellular demand while preserving public space character and function is critically important, as is the need to design and place the proposed infrastructure in an appropriate way.

2. ADOPTION

These Rules and regulations are intended to cover the general standards and aesthetics for the design and installation of Small Cell and similar technology.

3. SITING PROHIBITIONS

Small Cell infrastructure is not permitted to be installed on:

- a. No small cell wireless installation shall be installed on Double Poles
- b. No small cell wireless installation shall be installed on poles which are not ADA compliant.
- c. No equipment shall be placed inconsistent with ADA regulations for passage around said infrastructure.

- d. Cabinets or other small cell infrastructure may not be placed within the travel way of the sidewalk to impede ADA accessibility. Sidewalk travel ways shall maintain a minimum of 4 feet in width to accommodate the snow clearing vehicles along the sidewalks.
- e. No small cell wireless installations shall remain within the Town right of way or on Town property which has not been certified as in use in the annual recertification affidavit.
- f. No small cell wireless installation equipment shall be replaced or altered without a re-application, hearing, and approval from the Board of Selectmen unless the equipment is no longer properly functioning, and it is being replaced with the same or substantially similar equipment.

4. AESTHETIC REQUIREMENTS FOR SMALL CELL WIRELESS FACILITIES

- a. Except when Small Cell infrastructure is attached to a wood pole, poles and all equipment must be the same color and finish as surrounding streetlight poles or third party poles.
- b. Exposed wires are not permitted.
 - 1. Corporate or company names (except for location identification purposes noted below), logos, identifying graphics or other advertisements shall not be painted, embossed, applied or displayed in any manner on the poles, equipment enclosures (boxes, cabinets, etc.), hand hole covers, or other component of the pole.
 - 2. Individual location identification information will be permitted, provided no letter, number, or graphic symbol is taller than one inch in height.
- c. Standalone Poles: The height of any standalone pole including its antenna(e) shall not exceed 32 feet or no more than 10 percent taller than other adjacent poles, whichever is greater.
- d. Wood Poles: The height of any replacement wood pole including its antennae shall not exceed 45 feet.

5. ANTENNAS

- a. Each small wireless antenna shall be located entirely within a shroud or canister type enclosure.
- b. The diameter of the antenna enclosure at its widest point should not be wider than two times the diameter of the top of the wireless support structure. The enclosure shall not exceed six cubic feet in volume.
- c. All antenna enclosures shall either be mounted to the top of the wireless support structure pole and aligned with the centerline of the wireless support structure, or mounted to the side of the wireless support structure such that the vertical centerline of the antenna enclosure shall be parallel with the wireless support structure with the height of the side mounted antenna being at a location on the wireless support structure noted in the application and approved by the Town, but at least 10 feet above ground level at its lowest point.
- d. Tree “topping” or the improper pruning of trees is prohibited. Any proposed pruning or removal of trees, shrubs or other landscaping already existing in the Right of Way must be noted in the application and must be approved by the Town Tree Warden.

5.1 Cables and Wires

All cables, wires and connectors related to the small wireless facility must be fully concealed on the wireless support structure and shall match the color of the wireless support structure. There shall be no external cables and wires related to the small wireless facility hanging off or otherwise exposed on the wireless support structure.

5.2 Colors

All colors shall match the background of any wireless support structure that the facilities are located upon, including equipment cabinets. Notwithstanding the foregoing, in the case of existing wood utility poles, finishes of conduit shall be zinc, aluminum or stainless steel, or colored to match those metal finishes, and equipment cabinets shall be the color of brushed aluminum.

5.3 Equipment Enclosures / Concealment

- a. Equipment enclosures, including electric meters, shall be as small as possible, but in no event larger than 28 cubic feet in volume. Ground-mounted equipment shall incorporate concealment elements into the proposed design matching color and materials of the wireless support structure, unless other materials or colors are approved by the Town. Concealment may include, but shall not be limited to, landscaping, strategic placement in less obtrusive locations and placement within existing or replacement street furniture.
- b. Radio equipment shall be fully enclosed within an equipment cabinet or concealed within the antenna shroud enclosure matching the color and materials of the wireless support structure, unless other materials or colors are approved by the Town.
- c. Landscaping concealing equipment enclosures shall be planted in such quantity and size such that 100% screening is achieved within two years of installation.

6. SIGNAGE/LOGOS/LIGHTS/DECALS/COOLING FANS

- a. Signage: The small wireless facility permittee shall post its name, location identifying information, and emergency telephone number in an area on the cabinet of the small wireless facility that is visible to the public. Signage required under this section shall not exceed 4 inches by 6 inches, unless otherwise required by law (e.g. radio-frequency (RF) ground notification signs) or the Town. If no cabinet exists, the signage shall be placed at the base of the pole.
- b. Lights: New small wireless facilities and wireless support structures shall not be illuminated, except in accord with state or federal regulations, or unless illumination is integral to the camouflaging strategy such as design intended to look like a street light pole.
- c. Logos/Decals: The small wireless facility operator/permittee shall remove or paint over unnecessary equipment manufacturer decals. The color shall match or shall be as approved by the Building Inspector. Small wireless facilities and wireless support

structures shall not include advertisements and may only display information required by a federal, state, or local agency. The small wireless facility operator/permittee shall utilize the smallest and lowest visibility RF warning sticker required by government or electric utility regulations. Placement of the RF sticker shall be as close to the antenna as possible.

- d. Cooling Fans: In residential areas, the small wireless facility operator/permittee shall use a passive cooling system. In the event that a fan is needed, the small wireless facility operator/permittee shall use a cooling fan with a low noise profile.

7. LOCATION REQUIREMENTS

7.1 Most Preferable Locations

The following are the most preferred areas for new small wireless facilities in the order of preference (1 being most preferable):

1. *Industrial Districts* if not adjacent to a park, residential district or historic district.
2. *Public Rights of Way* areas if not adjacent to a park, residential district.

7.2 Collocation Preference

It is the Town's strong preference that whenever an applicant proposes to place a new small wireless facility that the applicant collocate the same on existing wireless support structures.

7.3 Least Preferable Location

The following are the least preferred areas for new small wireless facilities in the order of preference (2 being least preferable).

1. *Residential Districts*
2. *Parks*

7.4 Consideration of Alternate Locations

The Town reserves the right to propose an alternate location for a small wireless facility and/or wireless support structure to the location proposed in the application within one hundred feet of the proposed location or within a distance that is equivalent to the width of the Right of Way or structure in or on which the small wireless facility and/or wireless support structure is proposed, whichever is greater, which the operator shall use if it has the right to use the alternate location on reasonable terms and conditions and the alternate location does not impose technical limits or additional costs.

7.5 General limits: Adherence to Other Applicable Standards

If a streetscape is redesigned in the future, including, but not limited to the location and type of streetlights, small cell providers will be required to remove their infrastructure at their own cost

and apply to reinstall small cell infrastructure in accordance with these guidelines and the new streetscape.

7.6 Guidelines on Placement

The Town desires to promote cleanly organized and streamlined facilities using the smallest and least intrusive means available to provide wireless services to the community. Generally, a small wireless facility and/or wireless support structure shall match and be consistent with the materials and finish of the wireless support structure, adjacent poles and structures, and of the surrounding area adjacent to their location.

The following additional guidelines on placement shall apply:

- a. Small wireless facilities and wireless support structures shall be located no closer than 150 feet away, radially, from another small wireless facility and wireless support structure.
- b. A combination wireless support structure and streetlight pole should only be located where an existing pole can be removed and replaced, or at a new location where it has been identified that a streetlight is necessary.
- c. Small wireless facilities and wireless support structures shall be located in a manner that does not impede, obstruct, or hinder usual public pedestrian or vehicular travel or public safety on a Right of Way.
- d. Small wireless facilities and wireless support structures shall be located in a manner that does not obstruct the legal use of a Right of Way by a utility provider.
- e. Small wireless facilities and wireless support structures shall be located in a manner that does not violate or conflict with the zoning and general bylaws, applicable law and regulations, or this policy.
- f. Small wireless facilities and wireless support structures shall be located in a manner that does not violate the federal Americans with Disabilities Act.
- g. Small wireless facilities and wireless support structures shall be located in a manner that does not negatively impact the structural integrity of the associated wireless support structure.
- h. Small wireless facilities and wireless support structures shall be located in alignment with existing trees, utility poles, streetlights, and buildings.
- i. Small wireless facilities and wireless support structures shall be located equidistant between trees when possible, with a minimum of 15 feet separation such that no proposed disturbance shall occur within the critical root zone of any tree.
- j. Small wireless facilities and wireless support structures shall be located with appropriate clearance from existing utilities.
- k. Small wireless facilities and wireless support structures shall be located so as not to be located along the frontage of any building deemed to be of historic significance on a federal, state, or local level.
- l. Small wireless facilities and wireless support structures shall be located not within sight triangles at street intersections.
- m. New wireless support structures shall not be located directly in front of any existing residential, commercial or industrial structure.

To the greatest extent possible, new wireless support structures shall be located in line with existing lot lines or an equidistance from any two existing structures. In areas of the Town where multiple structures abut each other and/or where no side lot setback requirements exist, new wireless support structures shall not be located directly in front of an entrance or window of any existing structure.



8. PEDESTRIAN PATH AND AMENITY ZONE

- a. The sidewalk area of public space is typically delineated into the pedestrian path and the amenity zone. The amenity zone is located between the pedestrian path and the roadway and provides access between the two as well as the area for street trees, streetlights and traffic signals, and other functional elements. It is critical that all pedestrian paths are clear to facilitate safe and optimal access and circulation along sidewalks.
- b. Standalone poles shall not be located in the clear pedestrian path
- c. Standalone poles shall be aligned with existing streetlights, third party poles, and street trees as applicable in order to maintain a visual and physical organization of structures within the right-of-way, as measured from the center of the base of the pole. When streetlight and street tree alignment are offset within the amenity or curbside zones, prioritize alignment of the small cell facility with streetlights.
- d. All measurements shall be taken from the outer edge of the standalone pole and the infrastructure listed in the following specific limits/prohibitions.
- e. Standalone poles must be placed a minimum of six feet (6') from existing fire hydrants or buildings' fire connections.
- f. Standalone poles shall be located a minimum of 10 feet (10') from light poles and traffic signal poles.

- g. Standalone poles shall be located a minimum of 3 feet (3') from bicycle racks and shall not impede the attachment of bicycles.
- h. Standalone poles shall be placed a minimum of ten feet (10') from any above grade building face, including bay windows, show windows and building projections or overhangs.
- i. Poles should be located, to the maximum extent possible, to minimize impact on businesses and residential mixed-use development by avoiding placement directly in front of building entrances, alignment with windows, primary entry walks, or delivery zones or entrances.



9. ACCESS, CIRCULATION AND SIGHT DISTANCES

- a. Safe and functional access, circulation, and clear sight lines are important for pedestrian ease of movement and to maintain unobstructed line of sight among drivers, pedestrians, bicyclists.
- b. Standalone poles shall not obstruct ADA access, including maintaining a clear landing at the top of curb ramps at crosswalks.
- c. Pole placement shall not impede, obstruct, violate, conflict with, or hinder any mode of travel over or access to any public street, bridge, tunnel, highway, lane, path, alley, sidewalk, or driveway, including but not limited to the obstruction of sight lines.
- d. Poles shall be placed consistent with the most current Manual on Uniform Traffic Control Devices and adopted District standards for maintenance of an intersection's sight line triangles.
- e. A minimum of fifteen feet (15') shall be maintained between the pole and the outside edge of the alley or driveway.

10. OTHER REQUIRED SUBMISSION INFORMATION

- b. A composite map of all the desired locations of the small cell providers to understand the total need for facilities and the areas of highest demand within the study area.
- c. An understanding as to why there is no requirement for multiple providers to share infrastructure (hoteling) and whether this could occur if the number of allowable poles were reduced.

11. LIMITATIONS

While the Town fully intends to apply the guidelines established in this policy uniformly to all small wireless facility applications, there may be circumstances where not every specific guideline may be met. In these cases, Town staff will use its reasonable discretion in approving small wireless facilities permit applications that deviate from the strict application of this policy.

12. EFFECTIVE DATE OF POLICY

This Policy will be effective as of the 11th of April, 2019. Modifications of the Design Rules and Regulations may be modified from time to time by the Andover Board of Selectman.

**Town of Andover
Applications for Small Cell Wireless Installations
Cover Sheet**

Applicant's use of this cover sheet is mandatory. It is meant to provide a framework to ensure compliance with the Town of Andover's Policy for Applications for Small Cell Wireless Installations.

Total number of Small Wireless Facilities being requested on this application
_____ (Per town policy, no application may exceed 5 proposed facilities)

Total number of applications filed by the applicant or closely held applicant in the last 60 days
(Per town policy, no application will be accepted if more than 2 applications have been filed in that time period)

☐ Date and Time stamped on each application

\$500 made out to the Town of Andover for up to five locations for initial application review
\$100 for each additional location

All applications shall number each page with easily identifiable identifier numbers unique to each application

Specify whether the application is under the FCC Declaratory Ruling and Third Report and Order, §6409/Wireless Siting Order, or neither: _____

a. If §6409 application, submit documentation to establish the basis for that conclusion

Specify which shot clock (60-90-150 day) applies and the basis for that conclusion:

10 day receipt date _____

Applications complete, including receipt of all permits or notification that a permit was not needed except for a building permit from other town boards and commissions applicable to the proposed locations and facilities? Yes No

Checklist of prior reviewing departments (insert Y, N, or N/A)

_____ Police
_____ Fire
_____ Board of Health
_____ Conservation Commission
_____ Planning

_____ Engineering
_____ Building
_____ Other (specify)

- a. Submit a copy of all such received permits or verification that no permit is needed

If no, which applications are incomplete (any incomplete applications will be rejected)

- a. Identify how each application is incomplete

Date and time of re-submission _____

Public Hearing Notice published in a newspaper of general circulation and mailed to abutters within 300 feet of the proposed locations by applicant using notice provided by Town. The applicant must obtain the certified abutter's list from the Assessor's Office.

Public Hearing fee is paid for by applicant.

Ten (10) hard copies of the application are required

One (1) electronic copy to manager@andoverma.gov sent on _____

Applicant's name _____

Address _____

Telephone number _____

Email address. _____

Names, addresses, telephone numbers, and email addresses of anyone acting on behalf of the Applicant with respect to the application.

Ensure that wet stamps/wet signatures of professional designers are on all drawings

Include detailed drawings and descriptions of the equipment to be installed, whether mounted on poles or on the ground, or otherwise, including:

Description of type of equipment

Specifications of equipment

Dimension of each piece of equipment and total dimensions of all equipment

Costs of all equipment and installation

Total weight at each location

How will equipment be mounted and what type of material will be used to mount equipment

All power sources for equipment (comment on necessary wires, cables, and conduit)

Expected life of equipment

Coverage area of equipment on the location

Amount of antennas

Antenna model

Antenna length remote radio units (RRU) count and power

Antenna height

Typical coverage area radius

Call capacity of equipment, including:

Total RRUs

Max bandwidth per RRU

Multiple input, multiple output (MIMO) per RRU

Backhaul rate per RRU

Hardening, including:

Is there battery backup

Is there generator backup

Will there be multiple fiber paths to switch

Frequency of equipment proposed to be installed.

Photos, rendering and elevation of equipment proposed to be installed:

☐ Include detailed map with locations of the poles or other facility on which equipment is to be located, including specific pole identification number, if applicable, and the areas it will service. Location details must be provided to be compatible as an additional data layer to the Town's GIS map

☐ Include detailed map showing existing and proposed small cell installations within 500 feet of the Application site.

☐ Include certification by a registered professional engineer that the pole/or location will safely support the proposed equipment.

☐ Include written consent from the pole, structure, or facility owner to the installation.

☐ Include an affidavit from a Radio Frequency Engineer outlining the network/network service requirements in Andover and how the installations address that need in Andover. Such affidavit should characterize the current level of coverage and how the desired installations will change the current level of coverage, through or with coverage maps, including current and proposed coverage, including a breakdown of "excellent" "good" and "poor" reception areas.

☐ Include insurance certificate evidencing workers' compensation and comprehensive general liability coverage for the installation.

☐ Include a description as to why the desired location is superior to other similar locations, from a community perspective, including:

☐ Visual aspects

☐ Proximity to residential structures

☐ Include a description of efforts to co-locate the equipment on existing structures, poles, or towers which currently exist or are under construction. A good faith effort to co-locate is required and evidence of such efforts must be included within the application.

☐ Include a narrative of how design requirements have been met.

☐ Include an affidavit from the applicant which certifies that it will maintain the installations in good repair and according to FCC standards, and will remove any installation not in such good repair, or not in use, within 60 days of being no longer in good repair or no longer in use.

☐ Include surety bond on which the Town is obligee, in an amount equal to the cost of installation, to ensure removal of equipment.

Annual Re-Certification and Affidavit.

- Each year on July 1 the party responsible for the equipment maintenance shall submit an affidavit which shall list, by location, all small cell wireless installations it maintains within the Town of Andover by location, and shall certify: (1) each such installation that remains in use; (2) that such in use installations remain covered by insurance as required by MassDOT; and (3) each such installation which is no longer in use.
- The party responsible for the equipment maintenance shall pay an annual re-certification fee of \$100 per installation which remains in use.
- Any small cell wireless installation which is no longer in use shall be removed by the owner within 60 days of receipt of the annual re-certification affidavit, at that party's expense.
- Any small cell wireless installation which is not removed within 60 days after being listed as no longer in use in the annual re-certification affidavit shall be subject to a fine of \$100/day against the party responsible for the equipment's maintenance until such installation is removed.
- Where such annual re-certification has not been timely submitted, or equipment no longer in use has not been removed within the required 60-day period, no further applications for small cell wireless installations will be accepted by the Town until such time as the annual re-certification has been submitted and all fees and fines paid.

☐ Agree to annual re-certification and affidavit and payment as shown above.
Conditions/Prohibitions.

- No small cell wireless installations shall be installed on double poles.
- No small cell wireless installation shall be installed on poles which are not ADA compliant.
- No small cell wireless installations shall remain within the Town right of way or on Town property which has not been certified as in use in the annual re-certification affidavit.

- No small cell wireless installation equipment shall be replaced or altered without a re-application, hearing, and approval from the Board of Selectmen unless the equipment is no longer properly functioning, and it is being replaced with the same or substantially similar equipment.

☐ Agree to Conditions/Prohibitions as set forth in town bylaws and policies.

As submitted by,



TO: BOARD OF SELECTMEN
ANDREW FLANAGAN, TOWN MANAGER

CC: THOMAS URBELIS, ESQUIRE

FROM: PAUL MATERAZZO, DIRECTOR OF PLANNING

SUBJ: HEFFRON WAY

DATE: APRIL 10, 2019

On April 9, 2019, the Planning Board held a public meeting and discussed a proposed agreement between the Town of Andover ("Town") and the Greater Lawrence Technical School ("GLTS") for a land swap of property on River Road so that the Town could gain access to the Heffron Way, and for the GLTS to grant the Town an easement across the GLTS property to gain access to the Town's property along the Merrimack River. Included in the agreement would also be the granting of rights from the Town to the GLTS to use the boathouse on the Town's property along the Merrimack River.

Following detailed discussion, the Planning Board voted unanimously 4-0 to recommend to the Selectmen that the Town enter into the proposed land swaps, easement and agreement with the Greater Lawrence Technical School for access to the Merrimack River from River Road.

GRANT OF EASEMENT

The Greater Lawrence Technical School, having an address at 57 River Road, Andover, Massachusetts 01810 ("Grantor"), grants to the Town of Andover, to be held under the care, custody and control of the Conservation Commission of the Town of Andover under the provisions of M.G.L. c. 40, §8C, ("Grantee"), with Quitclaim Covenants, a non-exclusive easement for a term of twenty-five years commencing on the date of recording of this Grant of Easement at the North Essex District Registry of Deeds for the purpose of pedestrian and vehicular access to Grantee's property by the Grantee and members of the general public, including access for life safety personnel of the Town of Andover in, through, under, over across and upon the land shown as Access Easement Area = 1,540 SF +/-, Access Easement 25' Wide Area = 11,309 SF +/- on plan entitled Easement Plan of Land Heffron Way, Andover, Massachusetts, Date: September 12, 2017 (the "Easement Area"), which Plan is recorded herewith. Reference may be made to said plan for a more particular description of the Easement Area.

Also, the Grantee shall have the further right and easement from time to time during the term of this Easement to pass and re-pass over, across and upon said Easement Area in order to clear the Easement Area, remove trees and obstructions, and to make such grading and excavations, and compacting as are necessary, in the discretion of the Grantee, to maintain the Easement Area and create a roadway in a condition suitable for such vehicular and pedestrian access.

The Grantee shall install and maintain a gate at a location mutually agreed upon by the Grantor and the Grantee, which shall be locked at such time other than daylight hours. Nothing herein shall be construed as preventing Grantor's use of gates and camera systems for security purposes on the property of Grantor, provided they do not unreasonably interfere with Grantee's use of the Easement granted herein.

Except for emergency access, access by Grantee's employees and agents or with express permission of the Grantor, pedestrian and vehicular use of the Easement Area shall be restricted to daylight hours.

The length of this grant may be extended by mutual agreement of the Town, Commission and GLTS by instrument recorded at this Registry of Deeds.

Maintenance of Easement Area. The Grantee shall provide all of the maintenance required for the Easement Area at its sole cost and expense in accordance with all applicable laws, rules and regulations.

Restoration of Disturbed Land. In the event the Grantee disturbs or damages the land of the Grantor in the exercise of any rights or obligations hereunder, then the Grantee shall in a prompt and workmanlike manner, repair and restore such damage or disturbance to substantially the same (or, if not feasible given the nature of the disturbance, as nearly as practicable to the) condition that existed prior to such damage or disturbance. Any grading which materially alters the flow of surface water or materially alters drainage shall be repaired and restored as nearly as practicable to the condition that existed prior to such grading.

Insurance. Grantee agrees that Grantee will maintain the following insurance insuring the Grantee against claims and demands for personal injury and property damage with respect to the Easement Area as shown on said Easement Plan:

- (i) General liability insurance of \$1,000,000/\$3,000,000 per occurrence and a \$5,000,000 Umbrella Policy;
- (ii) Comprehensive automobile liability insurance covering all owned, hired or otherwise non-owned vehicles with a minimum combined single limit of \$1,000,000 for bodily injury and property damage; and
- (iii) (a) Worker's Compensation as required by Commonwealth of Massachusetts law, and (b) Employers' liability insurance with a minimum limit of \$1,000,000.

All such policies shall be obtained from responsible companies qualified to do business and in good standing in Massachusetts. Grantee agrees to furnish Grantor with certificates evidencing all such insurance prior to entry onto the Easement Area and evidencing renewal thereof at least thirty (30) days prior to the expiration of any such policy. Grantor shall be named as an additional insured on all liability policy obtained in connection with this Grant of Agreement and all liability policies shall contain a waiver of subrogation in favor of the Grantee. Prior to entry into the Licensed Area, the Grantee shall provide Certificates of Insurance, acceptable to the Grantor, evidencing the required insurance coverage.

Installation of Utilities. Grantor expressly reserves the right to install pipe or conduit beneath the Easement Area so long as said pipe or conduit do not unreasonably interfere with intended use of the easement.

The location of the Easement Area shall not be changed without the consent of the Grantee. WITNESS the execution hereof under seal this ____ day of _____, 2019.

Greater Lawrence Technical School

By: _____
John Lavoie, Superintendent-Director

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

_____, 2019

On this ____ day of _____, 2019, before me, the undersigned notary public, personally appeared John Lavoie, Superintendent-Director proved to me through satisfactory evidence of identification, which was a drivers license, to be the person whose name is signed on the preceding document in my presence and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

ACCEPTANCE BY CONSERVATION COMMISSION

We, the undersigned members of the Conservation Commission of the Town of Andover, hereby accept the foregoing Grant of Easement to the Town of Andover, to be held under the care, custody and control of the Conservation Commission of the Town of Andover under the provisions of General Laws Chapter 40, Section 8C.

Dr. D. Cooper
[Signature]
Ella [Signature]
Kevin J. [Signature]

[Signature]
[Signature]
Alexandra Presnell

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

On this 2nd day of April, 2019, before me, the undersigned notary public, personally appeared Members of the Andover Conservation Commission proved to me through satisfactory evidence of identification, which was MA Drivers License, to be the persons whose names are signed on the preceding document in my presence and acknowledged to me that they signed it voluntarily for its stated purpose.

[Signature]
Notary Public
My Commission Expires 8/15/25

DEED

The Inhabitants of the Town of Andover, with a usual place of business at 36 Bartlet Street, Andover, MA 01810 ("Grantor"), acting by its Board of Selectmen and Conservation Commission, pursuant to Chapter 162 of the Acts of 2010, for consideration paid and in full consideration of less than \$100,

Grant to the Greater Lawrence Technical School, formerly known as the Greater Lawrence Regional Vocational Technical High School District, having an address of 57 River Road, Andover, MA 01810 ("Grantee"),

With Quitclaim Covenants, all of its right title and interest in and to the land in Andover, Essex County, Massachusetts shown as "Parcel D, 2128 sq. ft." on Plan of Land entitled "Proposed Conveyance Plan of Land in Andover, Massachusetts," dated April 17, 1995, Revised January 12, 2009, by Dana F. Perkins, Inc., which Plan is recorded herewith, and to which reference may be made for a more particular description of said Parcel D.

Being a portion of the premises conveyed to the Inhabitants of the Town of Andover by deed dated December 31, 1982 and recorded in Book 1828, Page 156.

Compliance with M.G.L. Chapter 44, Section 63A is hereby acknowledged.

Witness our hands and seals this ____ day of _____, 2019.

Inhabitants of the Town of Andover

By its Board of Selectmen

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

On this ____ day of _____, 2019, before me, the undersigned notary public, personally appeared Members of the Andover Board of Selectmen proved to me through satisfactory evidence of identification, which was _____, to be the persons whose names are signed on the preceding document in my presence and acknowledged to me that they signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires

ACCEPTANCE BY THE BOARD OF SELECTMEN

We, the undersigned Board of Selectmen of the Town of Andover, Massachusetts, accept the foregoing Grant of Easement to the Town of Andover, to be held under the care, custody and control of the Conservation Commission of the Town of Andover under the provisions of General Laws Chapter 40, Section 8C.

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

On this ____ day of _____, 2019, before me, the undersigned notary public, personally appeared Members of the Andover Board of Selectmen proved to me through satisfactory evidence of identification, which was _____, to be the persons whose names are signed on the preceding document in my presence and acknowledged to me that they signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires

Town of Andover
Conservation Commission

By:

Donald D. Cooper
202028 Alexandra Orscole
Eileen Husson
Kevin J. Ponto
[Signature]
April 2, 2019

COMMONWEALTH OF MASSACHUSETTS

Essex, ss

On this day, before me, the undersigned notary public, personally appeared Andover Conservation Commission, proved to me through satisfactory evidence of identification, which was MA Drivers License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose, as Andover Conservation Commission of the Town of Andover.

Ryan M. Viselli
Notary Public
My Commission Expires: 8/15/25

DEED

The Greater Lawrence Technical School, formerly known as the Greater Lawrence Regional Vocational Technical High School District, having an address at 57 River Road, Andover, MA 01810 ("Grantor"), pursuant to Chapter 162 of the Acts of 2010,

Grant to the Inhabitants of the Town of Andover, with a usual place of business at 36 Bartlet Street, Andover, MA 01810 ("Grantee"), for consideration paid and in full consideration of less than \$100.00,

With Quitclaim Covenants, the land in Andover, Essex County, Massachusetts, shown as "Parcel E, 18,503 sq. ft. on Plan of Land entitled "Proposed Conveyance Plan of Land in Andover, Massachusetts," dated April 17, 1995, Revised January 12, 2009, by Dana F. Perkins, Inc., which Plan is recorded herewith, and to which reference may be made for a more particular description of said Parcel E.

Being a portion of the premises conveyed to the Greater Lawrence Regional Vocational Technical High School by deed dated August 15, 1988 and recorded at Book 3029, Page 273,

Conveyed to the Town under the provisions of General Laws, Chapter 40, Sec. 8C, as it may hereafter be amended, to be held under the care, custody and control of the Conservation Commission of the Town of Andover.

Witness our hands and seals this ____ day of _____, 2019.

The Greater Lawrence Technical School
District

By:

Commonwealth of Massachusetts

Essex, ss.

, 2019

On this ____ day of _____, 2019, before me, the undersigned notary public, personally appeared _____ proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document in my presence and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires

ACCEPTANCE BY THE BOARD OF SELECTMEN

The Board of Selectmen of the Town of Andover hereby accepts the foregoing conveyance to the Town of Andover to be held under the care, custody and control of the Conservation Commission of the Town of Andover under the provisions of General Laws, Chapter 40, Section 8C.

EXECUTED as an instrument under seal this _____ day of _____, 2019

Town of Andover Board of Selectmen

COMMONWEALTH OF MASSACHUSETTS

Essex, ss _____, 2019

On this day, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose, as _____ of the Town of Andover.

Notary Public
My Commission Expires: _____

ACCEPTANCE BY CONSERVATION COMMISSION

The Conservation Commission of the Town of Andover hereby accepts the foregoing conveyance to the Town of Andover to be held under the care, custody and control of the Conservation Commission under the provisions of General Laws, Chapter 40, Section 8C.

EXECUTED as an instrument under seal this 2nd day of April, 2019

Town of Andover Conservation Commission

Don B. Cooper
Lee Edwards
Ellen Hanson
Kevin J. Porter
[Signature]

David Spurr of Alysona Drivill

COMMONWEALTH OF MASSACHUSETTS

Essex, ss

April 2, 2019

On this day, before me, the undersigned notary public, personally appeared Andover Conservation Commission, proved to me through satisfactory evidence of identification, which was MA Drivers License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose, as Andover Conservation Commission of the Town of Andover.

Stephen M. Velli
Notary Public
My Commission Expires: 8/15/25

AGREEMENT

This Agreement (this "Agreement") is made and entered into pursuant to Chapter 162 of the Acts of 2010 this _____ day of _____, 2019 (the "Effective Date") by and between the Town of Andover, having an address at 36 Bartlet Street, Andover, Massachusetts 01810 acting by its Board of Selectmen and the Andover Conservation Commission (the "Town" and the "Commission") and the Greater Lawrence Technical School, having an address of 57 River Road, Andover, Massachusetts 01810 (GLTS"). The Town and GLTS are each referred to herein as a "Party" and collectively as the "Parties".

RECITALS

- A. The Town is the owner of that certain real property shown on the plan entitled "Proposed Conveyance Plan of Land in Andover, Massachusetts," dated April 17, 1995, revised January 12, 2009, by Dana F. Perkins, Inc., a copy of which is attached hereto as Exhibit A (the "Plan") which includes parcels shown as "Heffron Way," "Parcel D," and "Town of Andover" on said Plan, which parcel shown as "Town of Andover" is also known as the "Merrimack Reservation," and
- B. GLTS is the owner of certain real property located at 57 River Road, Andover, Massachusetts shown on said Plan, which includes Parcel E as shown on said Plan;
- C. The Town and the Commission wish to convey to GLTS all of their right, title and interest in "Parcel D, 2128 sq. ft." as shown on said Plan;
- D. GLTS wishes to convey to the Town and the Commission "Parcel E, 18,503 sq. ft." as shown on said Plan;
- E. GLTS wishes to grant an easement to the Town and the Commission for a term of twenty-five years for the purpose of pedestrian and vehicular access to the Merrimack Reservation on, through, under, over, across and upon the land shown as "Access Easement Area = 1540SF+/-" and "Access Easement 25' Wide, Area 11,309 sf+/-" (together the "Easement Area") on plan entitled Easement Plan of Land Heffron Way, Andover, Massachusetts, Date, September 12, 2017 ("the "Easement Plan"), which Plan is attached hereto as Exhibit B.
- F. The Town, the Commission and GLTS were authorized by Chapter 162 of the Acts of 2010 to convey and accept conveyances of real estate, to grant and accept easements in the real estate shown on the Plan, and to enter into agreements which may include provisions for improvement to and maintenance of the real estate and for monitoring and controlling access to the real estate shown on the Plan;
- G. Pursuant to Section 2 of said Act, the Trustees of Phillips Academy must agree to this Agreement.

Now, therefore, for and in consideration of Ten (\$10.00) Dollars, and such other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto, intending to be legally bound, agree as follows:

1. The Town and the Commission shall convey to GLTS all of their right, title and interest in "Parcel D, 2128 sq. ft." as shown on said Plan, and as described in the deed attached hereto as Exhibit C.
2. GLTS shall convey to the Town and the Commission "Parcel E, 18,503 sq. ft." as shown on said Plan, and as described in the deed attached hereto as Exhibit D.
3. GLTS shall grant an easement for a term of twenty-five years to the Town and the Commission for the purpose of pedestrian and vehicular access to the Merrimack Reservation, in, through, under over, across and upon the Easement Area, and as described in the Grant of Easement attached hereto as Exhibit E. The length of this grant may be extended in writing by mutual agreement of the Town, Commission and GLTS upon mutually acceptable terms.
4. The Town and the Commission grant to GLTS non-exclusive rights to (a) use a dock and (b) to store four boats in a boathouse on the Merrimack Reservation land, for a period of twenty-five years commencing on the date that all of the foregoing conveyances in paragraphs 1, 2 and 3 are recorded at the Registry of Deeds unless terminated prior to the end of said period by mutual agreement of the Town, Commission and GLTS. The length of this grant may be extended in writing by the Town, Commission and GLTS upon mutually acceptable terms.
5. GLTS agrees to assist the Town with the renovation of the Merrimack Reservation property and with the reconstruction and maintenance of said boathouse and dock. The Town shall pay for a new curb cut on River Road if necessary and for roadway improvements.
6. With respect to the rights granted under Paragraphs 4 and 5 hereof, GLTS agrees that GLTS, its agents, contractors and subcontractors will maintain the following Commercial General Liability Insurance and other insurance policies and coverage insuring GLTS and the Town against all claims and demands for personal injury and property damage:
 - (i) General liability insurance covering GLTS's and the Town's property, completed operations and products liability, and contractual liability, all with a minimum combined single limit of \$1,000,000 each occurrence and general aggregate of \$3,000,000 for bodily injury and property damage, including personal injury;

- (ii) Comprehensive automobile liability insurance covering all owned, hired or otherwise non-owned vehicles with a minimum combined single limit of \$1,000,000 for bodily injury and property damage; and
- (iii) (i) Worker's Compensation as required by Commonwealth of Massachusetts law, and (ii) Employers' liability insurance with a minimum limit of \$1,000,000.

All such policies shall be obtained from responsible companies qualified to do business and in good standing in Massachusetts. GLTS agrees to furnish the Town with certificates evidencing all such insurance prior to the commencement of the period of the grant under Paragraph 4 and evidencing renewal thereof at least thirty (30) days prior to the expiration of any such policy. Each such policy shall be non-cancelable with respect to the interest of the Town without at least ten (10) days' prior written notice thereto. In the event provision for any such insurance is to be by a blanket insurance policy, the policy shall allocate a specific and sufficient amount of coverage.

The Town shall be named as an additional insured on all liability policies obtained in connection with this Agreement, and all liability policies shall contain a waiver of subrogation in favor of the Town.

In witness whereof, the Parties have executed this Agreement as of the date first written above.

GREATER LAWRENCE TECHNICAL SCHOOL

By _____
John M. Lavoie, Superintendent

TOWN OF ANDOVER, BY ITS
BOARD OF SELECTMEN

TOWN OF ANDOVER
CONSERVATION COMMISSION

By: D. D. Coops
Verzorg
Ellen
Kevin J. Porto
[Signature]
And Spenn
Alexandra Dinscote

AGREED TO:

TRUSTEES OF PHILLIPS ACADEMY

By: _____

Acts (2010)

Chapter 162

AN ACT AUTHORIZING THE GRANTING OF EASEMENTS AND THE CONVEYANCE OF CERTAIN LAND IN THE TOWN OF ANDOVER.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the conveyance and acceptance of interests in real estate, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding chapters 30, 30B, 41 and 149 of the General Laws, chapters 213 and 372 of the acts of 2000 or any other general or special law to the contrary, the board of selectmen and the conservation commission of the town of Andover and the school committee of the Greater Lawrence Regional Vocational Technical High School may grant and accept easements in real estate and may convey and accept conveyances of real estate lying between River road and the Merrimack river as shown on the plan entitled "Proposed Conveyance Plan of Land in Andover, Massachusetts," dated April 17, 1995, Revised January 12, 2009, by Dana F. Perkins, Inc. on file in the office of the town clerk and within parcels C, D, E, F, G, H, I, J and K as appearing on the plan, and the final location of Parcels J and K as appearing on the plan and the final location of any easements or

conveyances within Parcels C, D, E, F, G, H, I, J and K as appearing on the plan shall be determined by the board of selectmen, the conservation commission and the school committee of the Greater Lawrence Regional Vocational Technical High School in consultation and agreement with the trustees of Phillips Academy.

SECTION 2. The board of selectmen and the conservation commission of the town of Andover and the school committee of the Greater Lawrence Regional Vocational Technical High School may enter into agreements or ratify existing agreements with the trustees of Phillips Academy, including a management agreement, upon such terms as the board of selectmen and the conservation commission deem to be in the best interests of the town and which are mutually agreed to by the town, the school committee of the Greater Lawrence Regional Vocational Technical High School and the trustees of Phillips Academy. The agreements may include provisions for improvements to and maintenance of the real estate and for monitoring and controlling access to the real estate referred to in this act.

Approved July 15, 2010

- NOTES
1. PROPERTY LINES ESTABLISHED FROM A FIELD SURVEY CONDUCTED IN JANUARY, 1933 BY DANIEL F. PERKINS, INC. AND VARIOUS PLANS RECORDED AT THE REGISTRY OF DEEDS NORTH DISTRICT ESSEX COUNTY. PLAN NUMBERS: 3130, 8302, 8325, 8358, 8574, 8876, 11356, 11374, 11872 AND 12773.
 2. D. DENOTES FROM 100 0.00' FROM POB (P.B.) FOUND (P.B.).
 3. W. DENOTES WALL (W.B.) FOUND (P.B.).
 4. C. DENOTES ROAD (R.O.) FOUND (P.B.).

FOR REGISTRY USE ONLY

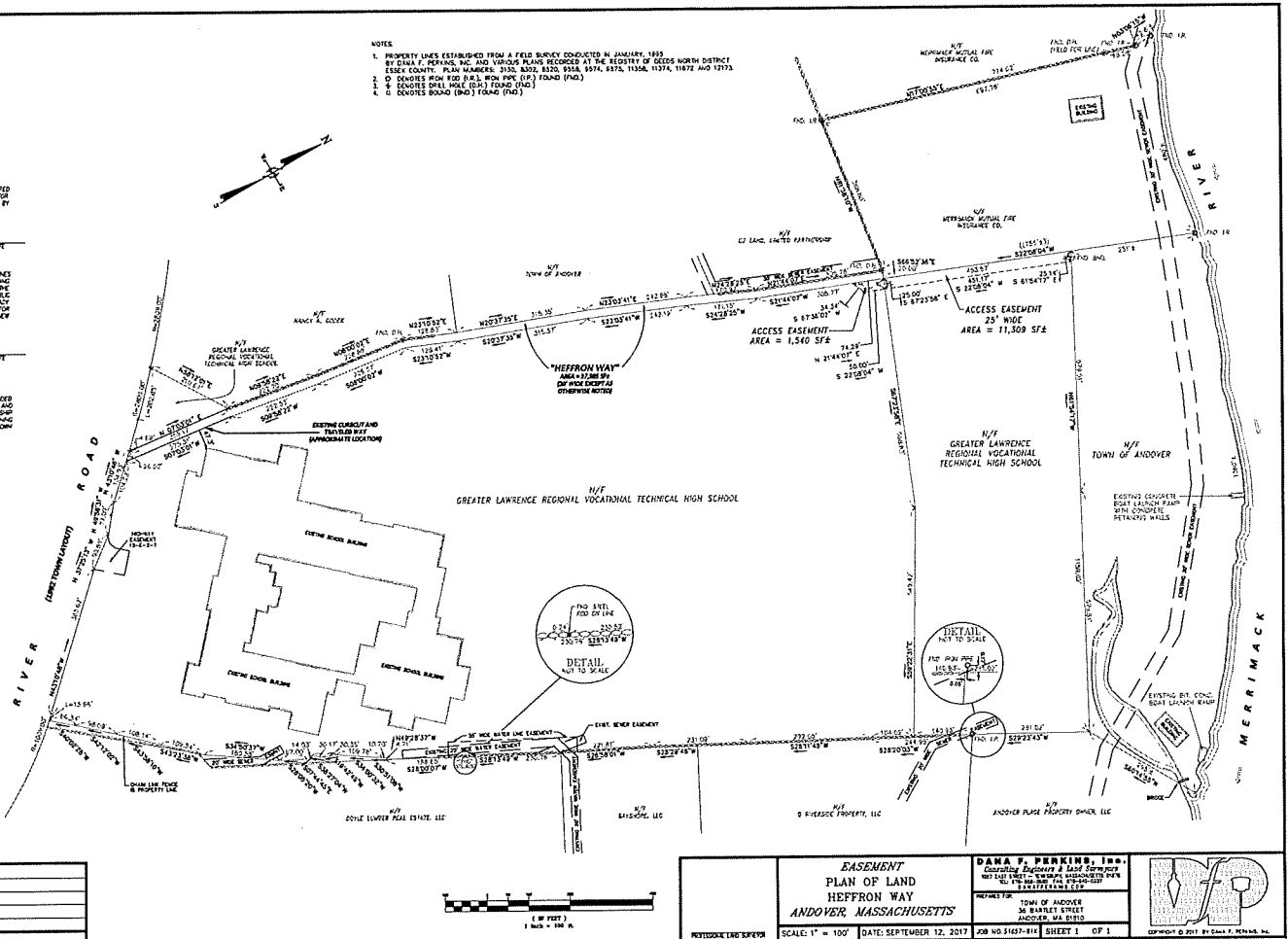
I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH UNIFORM INSTRUCTIONS FOR THE PREPARATION OF PLANS AS SET FORTH BY THE REGISTRY OF DEEDS.

PROFESSIONAL LAND SURVEYOR DATE

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DETERMINED BY ME OR BY A LICENSED SURVEYOR OR ENGINEER, AND THAT THE LINES OF THE EXISTING OWNERSHIP AND THE LINES OF THE EXISTING EASEMENTS ARE THOSE OF PUBLIC OR PRIVATE RECORD OR HAVE BEEN ALREADY ESTABLISHED AND THAT NO LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW LINES ARE SHOWN.

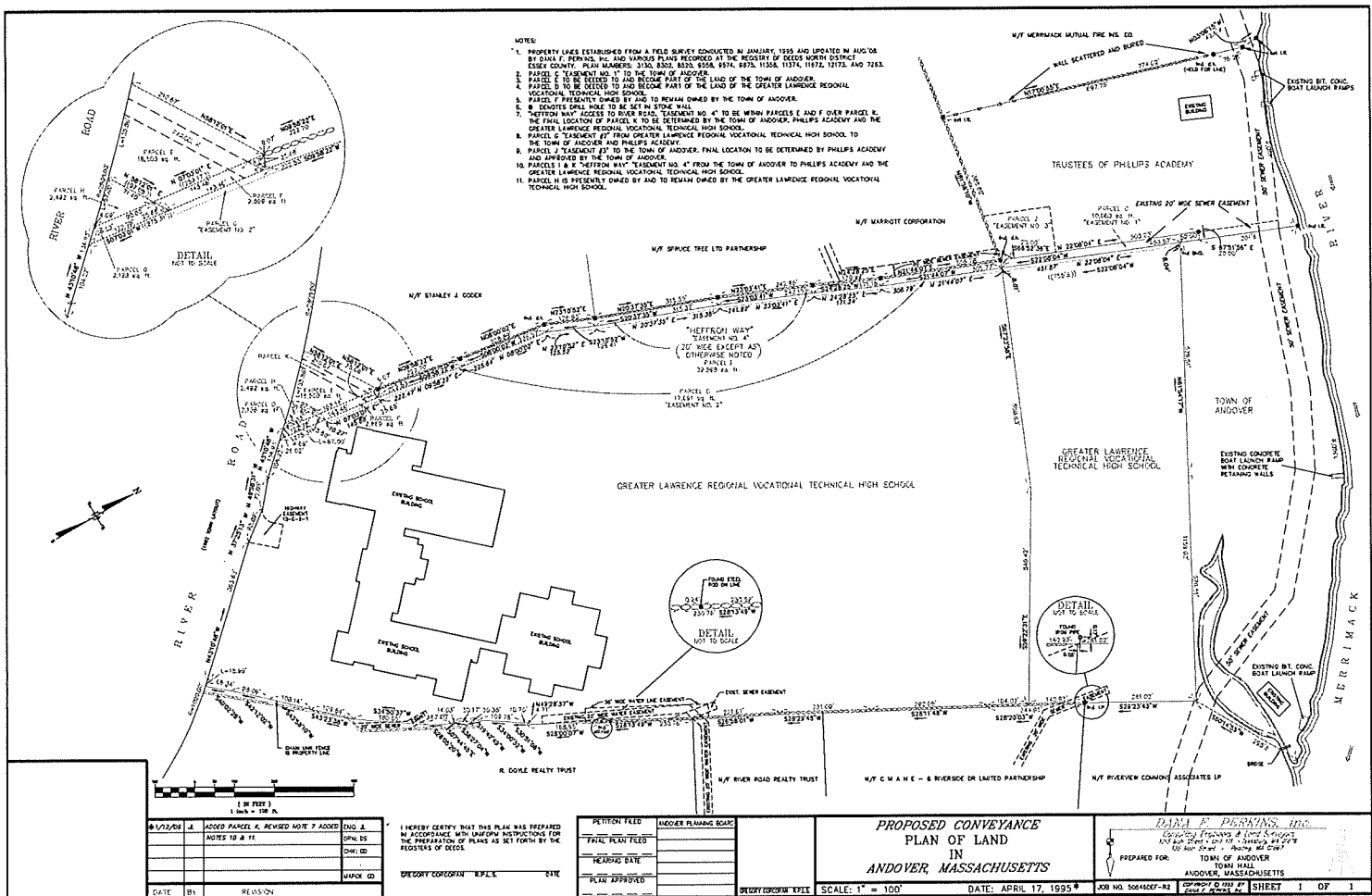
PROFESSIONAL LAND SURVEYOR DATE

THE CERTIFICATIONS SHOWN HEREON ARE INTENDED TO SET FORTH THE BEST INFORMATION AVAILABLE AND ARE NOT A GUARANTEE OF TITLE OR OWNERSHIP OF PROPERTY SHOWN. OWNERS OF ADJACENT PROPERTIES ARE RESPONSIBLE TO CURRENT TOWN ASSESSORS RECORDS.



DATE	BY	REVISION

<p>EASEMENT PLAN OF LAND HEFFRON WAY ANDOVER, MASSACHUSETTS</p> <p>PROFESSIONAL LAND SURVEYOR SCALE: 1" = 100' DATE: SEPTEMBER 12, 2017 JOB NO. 31637-814 SHEET 1 OF 1</p>		<p>DANA F. PERKINS, Inc. Consulting Engineers & Land Surveyors 30 WARE STREET ANDOVER, MA 01810 TEL: 978.686.1111 FAX: 978.686.1112 WWW.DFPINC.COM</p>	<p>DP</p> <p>DESIGNED BY: DANIEL F. PERKINS, INC. DRAWN BY: DANIEL F. PERKINS, INC. CHECKED BY: DANIEL F. PERKINS, INC. APPROVED BY: DANIEL F. PERKINS, INC.</p>
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I move that pursuant to Chapter 162 of the Acts of 2010 the Board vote to sign the two Deeds, the Easement and the Agreement for the land conveyance with the Greater Lawrence Technical School relating to the Heffron Way off River Road.



Town Government Study Committee

Committee Charge

The Town Government Study Committee shall be charged with studying, and proposing beneficial amendments to, the town's charter, bylaws, and governing practices as they relate to Andover's form of government and governance.

The committee shall:

- Study the town's form of government and governance.
- Examine models of government in comparable communities.
- Identify strengths and weaknesses in Andover's current government, and recommend any amendments to the charter, bylaws, and governing practices so as to improve the town's form of government and governance.
- Facilitate public engagement on, and the public's discussion of, the committee's work.

Upon completion of its work, the committee shall submit to the Town Manager and the Board of Selectmen a summary of its findings and any recommended amendments to the charter, bylaws, and governing practices.

The committee will be composed of (1) seven residents appointed by the Town Manager per Article III § 2(b)(2) of the General Bylaws, and (2) two ex-officio members: the Town Clerk and the Town Moderator. The committee shall elect a chair and vice chair from among its members.

W A R R A N T
THE COMMONWEALTH OF MASSACHUSETTS
ESSEX, SS.

ARTICLE 41	PARKING AND HARDSCAPE IMPROVEMENTS
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To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$400,000 for the purpose of purchasing services and materials related to making improvements to parking and hardscapes, including any other costs incidental and related thereto, or to take any other action related thereto.

On request of the Planning Director

ARTICLE 49	AMEND ZONING BYLAW ARTICLE VIII: SOLAR ENERGY
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To see if the Town of Andover will vote to amend the Andover Zoning Bylaw, Article VIII, Section 3.1.3 Table of Use Regulations Appendix A Table 1, Section 4.2 Accessory Building and Structures, and Section 10 Definitions by adding the following:

Add to Section 3.1.3 Table of Use Regulations Appendix A Table 1

E. Other Main Uses	SRA	SRB	SRC	APT	LS	OP	GB	MU	IG	IA	ID	ID2
9. Solar Energy Systems												
a. Ground Mounted-Small Scale as an accessory use (See section 4.2.5)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
b. Ground Mounted-Small Scale - Carport	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
c. Roof/Building Mounted	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
d. Ground Mounted-Large Scale (See Section 10 Major Non-Residential Project)	N	N	N	N	N	N	N	N	PB	PB	PB	PB

Add Section 4.2.5 Solar Energy Ground Mounted

Ground Mounted Small Scale as an accessory use and Ground Mounted - Small Scale - Carport shall be allowed on properties as an accessory use in rear yards and side yards, but not in front yards, provided such uses are not located nearer than 10 feet to any property line of the rear yard, they comply with the minimum setback requirements for side yards in the particular district, and they do not exceed 20 feet in height.

Add to Section 10 Definitions

Solar Energy System Ground Mounted – Small Scale - A solar photovoltaic system that is structurally mounted on the ground (i.e., not roof mounted) and has a maximum output of electric

power production in Direct Current (i.e. Rated Nameplate Capacity) of less than 250 kW DC or less than 1,000 square feet of solar panel area or less.

Solar Energy System Ground Mounted – Large Scale - A solar photovoltaic system that is structurally mounted on the ground (i.e. not roof mounted) and has a minimum output of electric power production in Direct Current (i.e. Rated Nameplate Capacity) of 250 kW DC or more or more than 1,000 square feet of solar panel area. Solar Energy System Ground Mounted – Large Scale shall also include Solar Carport Energy Systems of 250 kW DC or more than 1,000 square feet of solar panel.

Solar Energy System Roof/Building Mounted - A solar photovoltaic system that is structurally mounted on the roof or side of the building.

Solar Energy System Carport System – A Solar Energy System Ground Mounted that also provides cover and shade for parking and/or pedestrian areas.

Add d. to Section 10 Major Non-residential Project definition

d. A proposal to construct a Solar Energy System Ground Mounted - Large Scale.

And further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Andover Code of By-Laws, or take any other action related thereto.

On request of the Planning Board

ARTICLE 64	SPRING GROVE CEMETERY TRANSFER OF PROPERTY
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To see if the Town will vote to transfer the care, custody and control of the Property located on Spring Gove Road shown as "Area to be conveyed from the inhabitants of the Town of Andover to J&J Ball Realty Trust Area = 8,496 S.F." shown on a "Plan of Land in Andover, Massachusetts showing Land to be Conveyed from the Inhabitants of the Town of Andover to J&J Ball Realty Trust, 47 Spring Grove Road, Andover, Massachusetts dated January 13, 2017, Revised January 14, 2019" prepared by Merrimack Engineering Services (on file at the Clerk's Office) which is part of the Spring Grove Cemetery to the care, custody and control of the Selectmen for the purposes of conveying said parcel to J&J Realty Trust and to authorize the Selectmen to convey said parcel to J&J Realty Trust in consideration of the sum of at least \$7,800; and to petition the Legislature to pass a Special Act in accordance with Mass. General Laws, ch. 114, §17, because the cemetery has been used as a burial place for more than one hundred years, and any other applicable law to authorize the above transfer, provided that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition, or take any action related thereto.

On request of Mark Johnson and others

WARRANT
THE COMMONWEALTH OF MASSACHUSETTS
ESSEX, SS.

ARTICLE 2	AUTOMATIC EXTERNAL DEFIBRILLATORS ON TOWN PLAYING FIELDS
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To see if the Town will vote to appropriate the sum of \$50,000 to pay for the cost associated with purchasing 10 AEDs and the related accessories/services/compliance program for the town playing fields and to determine whether this amount shall be raised by transfer from available funds, borrowing or otherwise, and to authorize the Board of Selectmen to apply for and accept any state or federal grant or assistance, or both, that may be available to pay for the above project or take any action related thereto.

On request of Mimi LeBrun and others

I move that the Board vote to go into session to act as Water Commissioners for the purpose of setting FY2020 water rates and accepting a water main replacement recommendation.

I move that the Board vote to set the Fiscal Year 2020 water rates at:

	(\$/Unit)
TIER 1	\$3.20
TIER 2	\$3.52
TIER 3	\$3.84

and also to accept and adopt the water main replacement program as presented along with the corresponding recommended financing plan.

Article Number	Article Name	
1	Annual Town Election	
2	Election Not Require by Ballot	
3	Salaries of Elected Officials	
4	Fiscal Year 2019 Budget	
5	Fiscal Year 2019 Capital Projects Fund	
6	Budget Transfers	Vispoli
7	Supplemental Budget Appropriations	Gregory
8	Stabilization Fund	Huntress
9	Free Cash	Gilbert
10	Unexpended Appropriations	Koh
11	General Housekeeping Articles	Vispoli
12	Granting Easements	Gregory
13	Unpaid Bills	Huntress
14	Chapter 90 Authorizations	Gilbert
15	Jerry Silverman Fireworks	Koh
16	Fiscal Year 2020 Revolving Accounts	Gregory
17	Sign Shop Revolving Fund	Vispoli
18	PEG Access and Cable Related Fund Expenses	Gilbert
19	Overlay Surplus Transfer for Property Revaluation	Huntress
20	Elderly/Disaled Transportation Program	Koh
21	Support for Civic Events	Vispoli
22	Spring Grove Cemetery Maintenance	Vispoli
23	Stabilization Fund Bond Premium	Vispoli
24	Senior Center at Punchard Renovation and Construction	Gilbert
25	Elder Services Program Stabilization Fund Transfer	Gilbert
26	Electronic Voting	Gregory
27	Rental of Electronic Voting System	Huntress
28	Water and Sewer Vehicles	Gregory
29	Water Main Replacement Projects	Huntress
30	Sewer Inflow and Infiltration Reduction Project	Gregory
31	Hydrant Replacement Program	Koh
32	Water Treatment Plant Parking Area Reconstruction	Vispoli
33	Water Treatment Plant Granular Activated Carbon (GAC) Replacement	Gregory
34	Public Works Vehicles - Large	Huntress
35	Fire Apparatus Replacement	Huntress

36	Major Town Building Projects	Koh
37	Town and School Energy Initiatives	Vispoli
38	Major School Projects	Huntress
39	Public Safety Microwave Communications System	Koh
40	Town Bridge Maintenance and Evaluation	Gregory
41	Parking and Hardscape Improvements	Gilbert
42	Student Device Refresh	Vispoli
43	Parking Vehicle Replacement	Gregory
44	Disposition of Building at 161 Andover Street	Huntress
45	Disposition of Building at 163 Andover Street	Huntress
46	Change from "Board of Selectmen" to "Select Board"	Gilbert
47	Change from "Board of Selectmen" to "Select Board"	Gilbert
48	Change from "Board of Selectmen" to "Select Board"	Gilbert
49	Amend Zoning Bylaw Article VIII: Solar Energy	Gregory
50	Amend Zoning Bylaw Section 9.6.3: Signs	Koh
51	Amend Andover Zoning Bylaw Definitions	Koh
52	Amend Andover Zoning Bylaw Article VIII	Koh
53	Columbia Gas Reimbursement of Costs Incurred	Vispoli
54	Special Permit Lapse	Huntress
55	Andover High School Feasibility Study Committee	Gilbert
56	Amedn Section 51 of Bylaw Article XII - Ban Polystyrene Only	Gregory
57	Water Commission	Vispoli
58	Representative Town Meeting	Gilbert
59	Free Cash	Gilbert
60	Sanborn School Site Improvements	Koh
61	River Road Senior Residential Community Overlay District Change in Age Restrictions	Gregory
62	Greenwood Road Sidewalks	Koh
63	Dascomb Road Sidewalks	Gregory
64	Spring Grove Cemetery Transfer of Property	Huntress
65	Amend Andover Zoning Bylaw Article XIII	Vispoli
66	Planning Board Term	Huntress

Article Number	Article Name - Special Town Meeting	
1	Tax Increment Financing Agreement	Vispoli
2	Automatic External Debribrillators on Town Playing Fields	Huntress